2: Schapera E-4, 5 (no date) 1930
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Chapter XII

REGULATION OF PUBLIC LIFE

Political Institutions

642 177 Like most other aspects of their culture, the political organization of the Hottentots in recent times shows to a considerable extent the signs of Dutch influence. For information as to their original form of government we must therefore refer mainly to the accounts of the earlier writers. Here, again, our principal authority is Kolb, who describes the political institutions of the Cape Hottentots more fully and explicitly than does any other observer.

643 619 622 He states[1] that at the head of every tribe there was a chief, *kouqui* or *khoeque*, whose office was hereditary in the male line. The normal heir to the chieftainship was the eldest son of the ruling chief. Failing a son, the office passed to the nearest male relative, such as a brother or a brother's son, but never to a daughter. The new chief at his accession had to pledge himself before an assembly of the "captains" of the tribe to preserve all the old laws and traditions of the people, and not to interfere with any established rights and prerogatives. [5N] He had also to slaughter a couple of sheep or an ox as a feast for the "captains". Only these men and himself ate of the meat, while the broth was given to their wives. On the following day or on some suitable occasion a similar feast was provided by his wife for the wives of the captains. This time the meat was eaten by the women, and the broth given to their husbands. There is no other record of any installation ceremony connected with the chieftainship, so that the accuracy of Kolb's statements in this respect cannot be vouched for.

643 619 622 645 The functions of the chief were apparently purely political. He led the army in war, he conducted the negotiations of peace, and he presided over the tribal council. The latter was the real governing body of the tribe. It consisted of the "captains" or headmen of all the different local groups constituting the tribe, and was summoned by the chief to his residence whenever any matter of public importance arose. It dealt with all such questions as peace and war, disputes

[1] *Reise zum Vorgebirge der Guten Hoffnung*, 42–4; cf. Fritsch, *Eingeborenen Süd-Afrika's*, 331–2.

between different kraals, and relations with neighbouring tribes or with the European settlers. In this council the authority of the chief was dependent mainly upon his personality. His normal duties were to direct and sum up the deliberations of its members, who sat around him in a circle. If he was a man of strong character, he could succeed in imposing his will upon the others; otherwise his opinion might be disregarded, and he had to abide by the decision of the majority.

When not occupied with tribal affairs of this nature, the chief was concerned merely with the government of his own local group, i.e. of the kraal where he resided. In this respect he played the part of an ordinary kraal headman. Every large Hottentot kraal had its own recognized headman or "captain" (usually spoken of in the early Cape Records by the Dutch title "kapitein"), whose status was hereditary in the same way as that of the chief. The ceremonies of accession, as described by Kolb, were also similar to those of the chief, except that the headman had to make his pledge before the adult men of the kraal, and to provide the feast for them. All these men constituted a loosely-organized council over which he presided. They acted in the first instance as a court of justice. They met to settle disputes of right and property between the inhabitants of the kraal, and tried and punished criminal offences committed within their jurisdiction. The verdict arrived at was pronounced by the headman, and where the death penalty was imposed his was the first hand to smite down the culprit. There was no appeal from their decision or sentence to the main tribal council. They also dealt with all matters affecting the common interests of the kraal, such as removal to new pasture grounds, public feasts and sacrificial offerings. The rôle of the headman in this council was roughly similar to that of the chief in the tribal council, and the degree of his authority was determined by the strength of his character. In time of war he also had the command, under the chief of the tribe, of the troops supplied from his kraal.

Neither the chief nor the headmen had special insignia or other marks of office, except that their karosses were made of leopard or wild cat skins; but the Dutch, when they entered into alliances with the Hottentot tribes, presented to the former a crown of copper, and to each of the latter a copper-headed cane, which henceforth were regarded as distinguishing badges of authority. The chief was not entitled to the personal services of his subjects, nor, says Kolb, did he receive anything in the nature of tribute or public

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643 [554] Every Nama tribe has its own hereditary chief, *gao-aob*, more commonly known nowadays by his Dutch title "kapitein". His official insignia, also a sign of Dutch influence, is the *gao-heib*, a long wooden staff with an iron or brass knob at one end. The successor to the office, under normal circumstances, is the eldest son of the last chief, and as such he is usually accepted without question by the tribe.[1] [562] If he is a minor his father's brother or some other near relative in the male line acts as regent, although one instance is recorded, in the case of the Gei //Kauan, of a woman reigning on behalf of her young brother until he came of age.[2] Women, however, never succeed of their own right to the chieftainship. Failing a son, the late chief's eldest surviving brother or brother's son takes his place. A chief has the right during his lifetime, owing to advancing old age, ill-health, or any good reason, to abdicate in favour of his heir. This, however, is an entirely personal right which he cannot be compelled to exercise against his will. There is no mention of special ceremonies observed at the accession of a new chief.

643 ● 645 The chief, although hereditary, and as such commanding great respect and influence, is bound to act in terms of the advice and resolutions of his councillors. Every tribe has a definite tribal council, "Raad," consisting of the chief ex-officio and of members elected at a mass meeting of the married men of the tribe. There is no information available as to the methods of election. The number of these elected councillors, "Raden," varies from tribe to tribe. The Bethanie Hottentots had twelve of them, the Swartboois nine, and the Witboois from fifteen to twenty. From their midst are appointed the senior officials of the tribe, such as the sub-chief ("onder-kapitein"), magistrate ("magistraat"), war commandant, chief field cornet ("hoof veldkornet"), and later, as Christians, the elders 643 of the church ("ouderlings"). In addition to this formally-con- 887 stituted council, the older members of the tribe, qualified by age and experience, have the right to be consulted on all important public

[1] Tindall (op. cit., 42) and, following him, Fritsch (op. cit., 365) say that the heir to the chieftainship is usually the youngest son. This is inaccurate. The notorious Jonker Afrikaner, who, on account of his personal qualities, was designated by his father Jager to succeed to the chieftainship of the Afrikaners (//Aixa //ain), was not the oldest son, and therefore in Hottentot eyes he was not entitled to become chief. The smaller part of the tribe supported him but the majority did not, and in consequence the tribe was split up, the various families settling down in different places, while Jonker with his adherents later moved into South-West Africa. (Cf. Frey, "Jonker Afrikaner and his Time," *J. S.W. Afr. Sci. Soc.*, i, 19.)

[2] Vedder, op. cit., 115. Cf. Hahn (*Tsuni-//Goam*, 19): "If a chief died, it often happened that his energetic wife became the *gau-sas* (contracted from *gautaras*), the ruling woman—i.e. the queen of the tribe—in place of the son who was not yet of age."

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affairs, and they can act as assessors at the deliberations of the councillors. The chief cannot disregard their opinion, otherwise internal dissensions and even tribal disruption may ensue.[1] They serve to give more emphasis to the popular voice in determining public policy.

The council is the tribal executive. It makes wars and treaties, rules and regulations for the public conduct, and deals with the internal and economic affairs of the tribe, as well as with inter-tribal relations. In its proceedings the vote of the chief is generally of no greater weight or value than that of any one of the elected councillors, although his expressed opinion bears great influence and probably ensures a majority for him in most cases, while if he is a man of strong character he may even succeed in dominating the others. The council is also the main court of justice. Civil litigants and criminals, who are usually dealt with by the magistrate or the sub-chiefs acting as the chief's deputies, can resort to it as a final court of appeal. Cases of serious import or serious charges involving possibly a sentence of capital punishment are generally dealt with by it as a court of first instance. In such cases an appeal lies to the chief in person, who has the right to exercise his prerogative of mercy. No capital punishment can legally be executed before he has expressly given his sanction.

In large tribes each outlying village or kraal is governed by a sub-chief ("onderkapitein"), appointed as deputy of the tribal chief by the chief-in-council. Often enough this sub-chief is one of the chief's closer relatives in the male line. He has his own local councillors, court, and officials, and can deal with all matters arising within his jurisdiction. There is always an appeal from his court to the main tribal council although as a rule the chief never deals with such an appeal without first referring the matter back to him for report.

Apart from the fact that the chief is generally the wealthiest man in the tribe, he is not distinguished in any special way from his subjects. At most his hut is somewhat bigger, and at communal meals he receives the best portion of meat, viz. the hind quarters.[2] Shaw, writing in 1821,[3] says also that the chief claims a part of every animal taken in hunting; moreover, on the death of his wife, every adult man has to give him a cow, which, however, is returned after a certain

[1] Cf. the illustrations given of this by von François, op. cit., 97, 218.
[2] Hahn, "Die Nama-Hottentotten," 305.
[3] *Report of the Wesleyan-Methodist Missionary Society*, 1821, pp. lxxvi–lxxvii; cf. *idem*, *Memorials of S. Africa*, 42.

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has to be a Chief even before you are born."[1] The implication, in Hahn's statement, that the chief has the special economic function of providing for his poorer subjects, is not borne out by any other writer, apart from Shaw's remark about the milk, but it is a point that does not appear to have been specially investigated.

As will have been noticed, the salient feature in the old political system of the Hottentots has been preserved in the modified system evolved by the Naman under European influence, viz. the fact that the conduct of public affairs, including the administration of justice, lay in the hands of the older men generally and that the chief had no distinctive authority. The principal modifications are the substitution of a limited elected council for the informal council of clan head-men, and the appointment of various public officials with special functions corresponding to their Dutch titles. This differentiation in governmental functions does not appear to have existed at all in purely native conditions.

It must also be mentioned that to some of the Orlam chiefs, whose military prowess had made them feared and respected throughout the country, the temptation to become autocrats was very strong, and few could resist it. They generally contrived, therefore, either to act quite independently of the council, which they treated as a mere advisory body, or, as in the case of Hendrik Witbooi, chief of the /Hobesen, they dispensed altogether with elections and nominated their own councils and officials, thus ensuring that their own trusty friends and supporters were placed in power. Hendrik Witbooi was a warrior chief of outstanding ability and enterprise, to whom democratic government was very irksome and distasteful. At the height of his power he styled himself the "Lord of the Water and the Head Chief of Great Namaqualand"; letters addressed to him as the "King of Great Namaqualand" received immediate and gracious attention; and to his death he was a firm believer in the "divine right of kings", claiming that he owed responsibility to no one except "God the Father in Heaven".[2]

The following "Proclamation", published by him in the early days of 1891, is of some interest, because it gives an idea of the system of government existing among all the Nama tribes at the time of the German annexation of South-West Africa. The only difference

[1] *Report on the Natives of S.W.A.*, 72, 81.

[2] Some illuminating examples of his correspondence are published by von François, op. cit., 226 sq., 229–30; *Report on the Natives of S.W.A.*, 83 sqq., 96; Kreft, "The Diary of Hendrik Witbooi," 55–61 *passim*.

5: Vedder M-5 (ca. 1910) 1928
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533 517 monium enthusiast, however, did not care for that and continued playing up to midnight. When this was prohibited as against the rules of the house, he answered that he did not know that they were not allowed to study after nine o'clock. One night after that he was found at the harmonium at two o'clock in the morning and excused himself by saying that the rules of the house, which he was willing to abide by, did not stipulate at what time of the morning a pupil could begin to study! In four months' time he had made so much progress in playing the harmonium that he accompanied the hymns in the community services.

532 517 8. Many of the young people also show aptitude in the art of painting. A grandson of the notorious Hendrik Witbooi painted two ostriches with such a typically African background in coloured chalk on the board for his final examination after three years' preparation for the profession of teacher. that even the Government Inspector was amazed. Thus, the results of the mental development of the Nama, clearly perceptible to-day, show that the trouble and pains bestowed on them bear fruit; and nothing is more erroneous than to imagine the Hottentots are mentally one of the most primitive races. In the political economy of South-West Africa their weakly physique will play a very small part however; but for work which does not exact much bodily strength but requires intelligence the Nama will in the future be preferred to other natives.

IX. Usage and Laws.

642 643 645 The Chief with councillors and magistrate is the representative of the law. The last named is his right hand in all public and legal matters. Under normal circumstances the son inherits the chieftainship from his father. In times of peace the powers of the Chief are very limited. Without having consulted a mass meeting and without the decision of the councillors the instructions of a chief are of very little consequence. The form of government of a chieftainship is altogether democratic. Within this democratic frame, however, the Chief rules like a patriarch. This state of affairs is radically changed during war. If a war breaks out the Chief becomes dictator.

645 693 The councillors are elected at a mass meeting, and at the same time function as judges. Decisions by them are regarded as laws by the tribe and their sentences, passed under the presidency of the eldest among them, are executed. There is no appeal to a higher court. Only in cases where there is no consensus of opinion among the judges with regard to the [643] passing of a sentence is the matter referred to the Chief whose casting vote then settles the question finally.

[691] 692 2. As the Nama possess a very fine sense of justice and injustice, legal disputes are not at all uncommon. But since